

Child Protective Services

A Guide To Investigative Procedures



The purpose of this brochure is to help you understand the Child Protective Services (CPS) reporting and response process. Please contact your CPS social worker if you have additional questions that are not answered by the information provided in this brochure.

What Is Child Protective Services?

Child Protective Services, which operates under the Virginia Department of Social Services (VDSS), has the responsibility under the *Code of Virginia* to respond to reports of suspected child abuse or neglect.

Local departments of social services are required by the law to:

- ▶ Act in response to valid reports of suspected child maltreatment.
- ▶ Evaluate child safety.
- ▶ Support and strengthen families, whenever possible.
- ▶ Facilitate services to families to help ensure the safety of their children.
- ▶ Prevent future abuse or neglect.

What Is Child Abuse And Neglect?

Section 63.2-100 of the *Code of Virginia* defines an abused or neglected child as any child under 18 years of age whose parent, guardian, or other person responsible for the child's care:

- 1) Causes or threatens to cause a non-accidental physical or mental injury.
- 2) Causes or threatens to cause a non-accidental physical or mental injury during the manufacture or sale of certain drugs.
- 3) Neglects or refuses to provide adequate food, clothing, shelter, emotional nurturing, or health care.
- 4) Abandons the child.
- 5) Fails to provide adequate supervision in relation to the child's age and level of development.
- 6) Commits or allows to be committed any illegal sexual act upon a child including incest, rape, fondling, indecent exposure, prostitution, or allows a child to be used in any sexually explicit visual material.
- 7) Knowingly leaves a child alone in the same dwelling with a person who is not related to the child by blood or marriage and who is required to register as a violent sexual offender.

In addition, the law requires physicians to report to CPS any newborn infant who tests positive for drugs.





Why Has A Child Protective Services (CPS) Worker Contacted Me?

You have been contacted because the Department of Social Services received a report of possible abuse or neglect of a child or children in your care.

Why Would Someone Make A Report?

The purpose of reporting is to identify abused and neglected children as soon as possible so that the child's safety and well being can be addressed.

Some signs that people notice and may report to CPS include, but are not limited to:

- ▶ A child with questionable injuries.
- ▶ A young child who is left alone.
- ▶ A child who has unattended health care problems or medical needs.
- ▶ A child who is consistently hungry or appears malnourished.
- ▶ A child who has a sexually transmitted disease or other signs of sexual abuse.

Who Made The Report?

Anyone can make a report of suspected child abuse or neglect. The person making the report is not required to provide his/her name.

Certain professionals who work with children are required by law to immediately report suspected child abuse and neglect.

What Happens After A Report Is Made?

Local departments of social services will respond to valid child abuse and neglect reports by conducting a family assessment response or an investigation response. The goals of both responses are to:

- ▶ Assess child safety.
- ▶ Strengthen and support families, whenever possible.
- ▶ Prevent future child maltreatment.



Investigation Response

A child abuse or neglect investigation is conducted when there are immediate child safety concerns, or the report is required by law to be investigated. The following reports must be investigated:

- ▶ Sexual abuse.
- ▶ Death of a child.
- ▶ Serious injury.
- ▶ Hospitalization due to suspected abuse/neglect.
- ▶ Injuries requiring medical evaluation/treatment.
- ▶ Abandonment.

- ▶ Abuse/neglect occurring in out-of-family settings, such as schools, day care programs or residential programs for children.

What Happens During An Investigation?

During an investigation, the CPS social worker will:

- ▶ Conduct an initial safety assessment and develop a safety plan for the child, if needed.
- ▶ Talk face to face with the child, the parents, and the alleged abuser/neglector.
- ▶ Look for signs of injury, abuse, or neglect.
- ▶ Observe the child's environment and/or where the alleged abuse or neglect occurred.
- ▶ Interview or observe the siblings.
- ▶ Check for prior reports of abuse or neglect.
- ▶ Contact other persons who know the child such as doctors, teachers, or relatives.
- ▶ Complete a risk assessment with the family and determine what services, if any, are needed to prevent future abuse or neglect.
- ▶ Request your assistance in identifying other individuals who may be able to help your family if services are needed to keep your child/children safe.



- ▶ If needed, arrange for services to support your family.

The *Code of Virginia* requires a CPS investigation be completed in 45-60 days from the date of the report.

What Right Does CPS Have To Talk With A Child?

In order to provide an objective child safety assessment, Section 63.2-1518 of the *Code of Virginia* allows a CPS social worker to speak with a child and his/her siblings without parental consent and outside the presence of the parent/caretaker.

If the CPS social worker talks with the child or siblings without the parent/caretaker's prior knowledge, the parent/caretaker will be notified about the interview as soon as possible.

All CPS interviews conducted during an investigation with alleged victim children are required to be electronically recorded. There are some exceptions to this requirement when the CPS social worker determines that:

- ▶ The child's safety may be endangered by electronic recording of the interview.
- ▶ Electronic recording is impractical due to the child's age and development level.
- ▶ The child refuses to participate.
- ▶ The investigation team, which may include law enforcement, determines that electronic recording is inappropriate.





What About Examining The Child?

The CPS social worker will observe the child/children for injuries or signs of abuse or neglect. Under Section 63.2-1520 of the *Code of Virginia*, the CPS social worker is permitted to take photographs and make the necessary arrangements to X-ray the child/children as part of a medical evaluation. This can be conducted without parental/caretaker consent.

Photographs of the living conditions in which the child/children resides may also be taken with the consent of the parent/caretaker, or under the direction of the local Commonwealth Attorney's Office.

What If I Don't Want To Be Investigated?

In most investigations, there is cooperation between the family and the CPS social worker. The interview process provides an opportunity for your family to express concerns about your child/children, to identify family needs, to ask questions, and to obtain feedback from the CPS social worker.

If your family chooses not to cooperate or allow entry into the home, the CPS social worker is obligated to proceed with the investigation, as required by law. If there is sufficient cause to believe that the child/children are not safe, the CPS social worker may contact law enforcement for assistance or petition the court to order your cooperation.

Will My Child Be Taken Away?

The CPS social worker will assist your family in providing for the child's safety in your home. Most of the time, a plan can be made that will ensure the child's safety in his/her own home. If the child's safety cannot be assured, then a determination will be made as to whether the child may need to be separated from the family. This may include having the alleged abuser or neglecter temporarily leave the home, placing the child in the care of relatives, or in a foster home until it is deemed safe for the child to return home.

What Are My Rights?

Parenting is both a privilege and a responsibility. If you are involved in a CPS investigation, you have the following rights:

- ▶ To be notified in writing that you are the subject of a report.
- ▶ To meet with the CPS social worker assigned to the case to discuss the report, ask questions, and obtain feedback.
- ▶ To talk with or be represented by a lawyer or other person.
- ▶ To refuse entry into your home by the CPS social worker.
- ▶ To tape record the communications between you and the CPS social worker, provided all parties are aware of the recording.



- ▶ To accept or decline services.
- ▶ To appeal the investigation findings if you are named as the person who abused or neglected a child.

Will Criminal Charges Be Filed?

CPS is required by Section 63.2-1503 of the *Code of Virginia* to report certain types of suspected child abuse or neglect to law enforcement and the Commonwealth's Attorney. These include:

- ▶ Death of a child.
- ▶ Sexual abuse.
- ▶ Serious injury.
- ▶ A drug offense involving a child.
- ▶ Abduction.
- ▶ Acts contributing to the delinquency of a minor.

The decision to file criminal charges or prosecute is made by local law enforcement and/or the local Commonwealth's Attorney.

The CPS investigation is an administrative proceeding and is separate from any criminal proceeding.



What Happens After An Investigation?

Once the investigation is completed, the CPS social worker will determine if the report is founded or unfounded. You will be notified in writing of the disposition.

Unfounded Disposition

An Unfounded Disposition means that information gathered during the investigation did not support a founded disposition. Records of unfounded complaints are kept by local departments of social services and the VDSS child abuse and neglect information system for one year from the date of the complaint. This information is confidential and used only by local departments of social services.

An unfounded disposition may be kept for more than one year if additional CPS reports are received during this period.

If you believe the report was made in bad faith or was malicious, you may request that your record be kept for an additional two years from the date of the complaint. Section 63.2-1514 of the *Code of Virginia* allows you to petition the Circuit Court for access to the CPS record, including the identity of the reporter.

Founded Disposition

A Founded Disposition means the information gathered during the investigation has revealed a preponderance of evidence to



support that abuse or neglect occurred. Section 63.2-1514 of the *Code of Virginia* requires that records of founded dispositions be kept by local departments of social services and the VDSS Child Abuse and Neglect Central Registry.

These records are kept 3 to 18 years, depending upon the severity of the abuse or neglect. Information contained in the Child Abuse and Neglect Central Registry is confidential. With the exception of local departments of social services, the information can only be released with your signed, notarized authorization or by court order.



How Do I Appeal A CPS Finding?

If you disagree with the findings of the investigation and want your record changed, you must submit a written request to the director of the local department of social services within 30 calendar days after you receive the written notice of CPS findings. If you are dissatisfied with the outcome of the meeting, or if the local department of social services fails to send you a written decision within 45 days of your written request to change your record, you may request an administrative review before a Hearing Officer by writing to the Commissioner at the Virginia Department of Social Services.

If you are not satisfied with the Hearing Officer's decision, you have the right to petition the circuit court

for a judicial record review. The CPS social worker will provide you with a written explanation of the appeals process.

May I See The Investigation Report?

After the investigation is completed, you may request to see a copy of your personal information in the CPS report. Your request will be granted unless there is an ongoing criminal investigation or criminal proceeding; or the personal information in your file could endanger the well-being of your child or other persons.

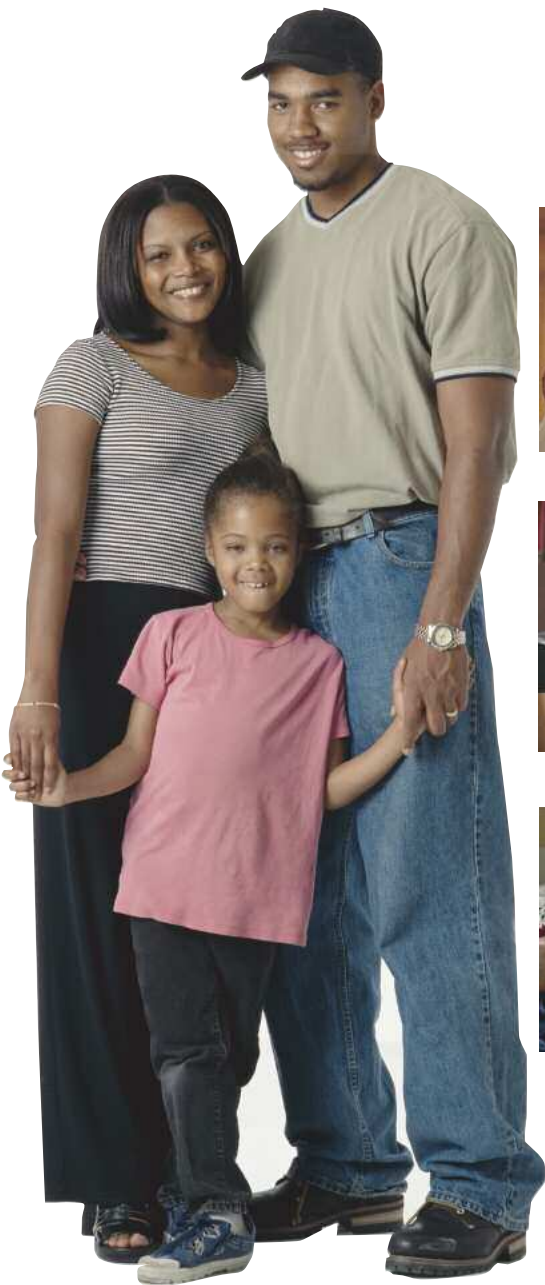
What Kinds Of Family Services Are Provided?

A local department of social services may:

- ▶ Develop a service plan with you, designed to ensure the safety and well being of your child/children.
- ▶ Link your family to community services such as family counseling, parent support groups, parenting classes, substance abuse services, children's programs, child care, home visits by a CPS social worker, etc.

You may decline services for your family and your child. However, if the CPS social worker believes your children are unsafe, he/she may petition the court to require your family to receive services on behalf of your child/children.





Date: _____

To: _____

A report of suspected child abuse or neglect has been received about:

(Child or Children)

The concerns are:

(Type of abuse/neglect)

Please call:

(CPS Worker)

at: _____

(Agency Name & Telephone)

to discuss the report, answer your questions, and discuss your family's need for services.

Child Abuse Hotline

1-800-552-7096

(Language Line available)

Virginia Department of Social Services
801 East Main Street
Richmond, Virginia 23219
www.dss.virginia.gov